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Notice of Allowability	Application No.	Applicant(s)	
	10/811,418	SCHELLENBERG ET AL.	
	Examiner	Art Unit	
	Binh C. Tat	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/30/06.
2. ☒ The allowed claim(s) is/are 1-19, 21 and 23-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>09/13/06</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|


JACK CHIANG
 SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodney Tullett (Reg. No. 34034) on 09/13/06.

The application has been amended as follow:

Claim 1 line 2, after "masks" insertion – using a layout database having a number of data layers--.

Claim 1 line 6, after "database" insertion – such that data structures are grouped in two or more layers of the layout database--.

Claim 1 line 7, change "assigned to" to " that are grouped within".

Claim 1 line 9, change "in" to " that is grouped within".

Claim 12 line 11, change "assigned to different data layers" to " grouped in two or more different data layers of layout database".

Claim 14 line 8, after "groups;" insertion –
assigning the data structures that are divided into different groups to different data layers of a layout database; --.

Claim 14 line 11, change "of" to "to".

Claim 14 line 11, after "grouped" insertion – in the same layer of the layout database--.

Claim 15 line 1, deleted “ wherein the data structures that represent adjacent phase shifting areas are grouped into different data layers of a layout database,”.

Claim 15 line 3, change “common” to “same”.

Claim 15 line 4, change “same” to “common”.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

1. Claims 1-19, 21, and 23-33 are allowed because the prior art does not teach or suggest a method for optimizing data to create one or more photolithographic masks, using a layout database having a number of data layers comprising: receiving data that represents features to be created in a physical layer of an integrated circuit; creating a number of data structures that represent regions of a mask and assigning each data structure to a data layer in a layout database such that data structures are grouped in two or more layers of the layout database; analyzing the data structures that are grouped within the same data layer according to one or more design rules after the data structures have been created; and fixing a property of each data structure that is grouped within the same data layer in accordance with the analysis performed such that each data structure in the same data layer has the same property.
2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance”.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh C. Tat whose telephone number is 571 272-1908. The examiner can normally be reached on 7:30 - 4:00 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571 272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tat Binh
Patent Examiner
September 15, 2006


JACK CHIANG
SUPERVISORY PATENT EXAMINER